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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,184	11/05/2003	Ina Minei	Juniper-26 (JNP-0325)	7526

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/702,184	Applicant(s) MINEI ET AL.	
	Examiner Bharat N. Barot	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 14-24 are rejected under 35 U.S.C. 101 because the claimed inventions of the claims 14-24 are directed to non-statutory subject matter. Claim 14 recited "A data structure or data base comprising: s first field..., a second field..., and a third field..." which is non-statutory for at least the reason that is not tangibly embodied in a storage medium and in manner so as to be executable by a computer/processor. Further, a collection of fields, per se, is not an actual data structure, instead being non-functional descriptive material. Thus the rejection under 101 as being an abstract idea, not being tangibly embodied, and not being in a manner so as to be executable.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tinsley et al (U.S. Patent No. 6,965,592) in view of Lee et al (U.S. Patent No. 6,879,594).

6. As to claim 1, Tinsley et al teach a method for processing a message for establishing a label-switched path, comprising: determining whether or not the message includes extended information; if the message does not include extended information, determining, using a first part of the message (IP header) and routing information; and if the message does include extended information, determining, using a second part of the message (MPLS header) and routing information (figures 6A-6B and 8-9; column 6 line 56 to column 7 line 57; and column 10 line 16 to column 11 line 29).

However, Tinsley et al do not explicitly teach that whether or not to generate a further message to signal the label-switched path.

Lee et al teach a method for processing a message for establishing a label-switched path, comprising: whether or not to generate a further message to signal the label-switched path based on determining whether or not the message includes

extended information (see abstract; figures 1-3 and 9; column 4 line 65 to column 5 line 13; column 5 line 54 to column 7 line 22; and column 9 line 17 to column 10 line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Lee et al stated above in the method of Tinsley et al for generating a further message to signal the label-switched path based on determining whether or not the message includes extended information because it would have provided a system/method for preventing the creation of looping label switched paths in a MPLS environment that is reliable and requires a low router overhead.

7. As to claims 2-5, Lee et al teach that the message is a label-mapping message, the message includes a FEC-label association and a label distribution protocol label-mapping, and the routing information was determined using an interior gateway protocol (figures 1-3; column 4 line 65 to column 5 line 13; and column 5 line 54 to column 7 line 22).

8. As to claims 6-10, Tinsley et al teach that the extended information includes resolution next hop information and the resolution next hop information includes a host address or prefix (figures 4-6; and column 5 line 57 to column 7 line 57); the method is performed by a first node in a network domain, and the host address or prefix is of a second node in the network domain (figures 1-3; column 2 line 50 to column 3 line 9; and column 4 line 52 to column 5 line 56); and the second node is an autonomous

system border router (figure 2; and column 3 lines 1-9), the first node runs an interior gateway protocol for generating routing information in the first node, and the routing information includes an entry for the second node (figures 3-4; and column 4 line 52 to column 6 line 28).

9. As to claims 11-13, Tinsley et al teach that the first part of the message includes an address or prefix of a node, the node is an ingress node of the label-switched path; and the method is performed by a second node in a first network domain, and the ingress node is in a second network domain (figures 4-6; column 5 line 57 to column 6 line 4; column 7 lines 6-57; and column 11 line 30 to column 12 line 19).

10. As to claims 14-24, they are also rejected for the same reasons set forth to rejecting claims 1-13 above, since the claims 14-24 do not teach or define any new or additional limitations than above claims 1-13. Additionally, Tinsley et al disclose that a message comprising: a) a first field including a label; b) a second field including forwarding equivalency class information; and c) a third field including label-switched path signaling resolution information (figures 4-6; and column 5 line 57 to column 7 line 57).

11. As to claims 25-37, they are also rejected for the same reasons set forth to rejecting claims 1-13 above, since claims 25-37 are merely an apparatus for the method of the operations defined in the method claims 1-13 and claims 25-37 contain similar limitations rejected in the claims 1-7.

Additional References

12. The examiner as of general interest cites the following references.
- a. Sheth, U.S. Patent No. 7,061,921.
 - b. Shobatake, U.S. Patent No. 6,772,219.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

March 06, 2007

Bharat Barot
BHARAT BAROT
PRIMARY EXAMINER